

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: AARON M. MILLER, Debtor, PNC BANK, NATIONAL ASSOCIATION, Movant/Claimant, v. AARON M. MILLER, and RONDA J. WINNECOUR, Ch. 13 Trustee Respondents	Bankruptcy No. 06-25243 Chapter 13 Related to Doc. No. 89 Document No. _____
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MOTION TO REOPEN BANKRUPTCY PURSUANT TO 11 U.S.C. § 350(b)

AND NOW, comes Claimant, PNC Bank, National Association (the “Claimant”), by and through its undersigned counsel, and files this Motion to Reopen Bankruptcy Pursuant to 11 U.S.C. § 350(b), representing as follows:

The Parties

1. PNC Bank, National Association is a national bank with offices in Philadelphia, PA.
2. Respondents, Aaron M. Miller, filed for bankruptcy protection pursuant to Chapter 13 of the Bankruptcy Code on October 24, 2006.
3. Ronda J. Winnecour is the duly appointed Chapter 13 Trustee (“Trustee”) and is currently acting in such capacity.

Jurisdiction and Venue

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. §§ 347 and 350 and 28 U.S.C. § 2041, et seq.

Factual Background

5. On or about October 31, 2006, Claimant's predecessor in interest, National City Bank, filed a Proof of Claim in the present bankruptcy in the amount of \$7,903.31 at Claim No. 2.

6. At the time the Proof of Claim was filed, National City Bank was the owner of the claim.

7. The original dividend check was sent to a National City Bank at 965 Keynote Circ., Brooklyn Heights, OH 44131. That address is no longer valid.

8. On October 26, 2009, the Trustee filed a Receipt of Funds Received for Deposit into Registry Account. Receipt Number 09851, Fee Amount \$7,903.31 with the Clerk, U.S. Bankruptcy Court (the "Clerk"). The Trustee stated that the check represented unclaimed funds owed to National City Bank. As shown above, Claimant is the owner of those funds.

9. Claimant merged with and into PNC Bank, National Association and subsequently changed their payment address and did not receive the \$7,903.31 referenced in the Report as being monies to be distributed to Claimant.

10. Pursuant to 11 U.S.C. § 350(b), Claimant requests that this Honorable Court reopen the present bankruptcy so that the Court may rule upon a Motion for Order Directing Payment of Funds to Claimant that will be concurrently filed with this Motion. Section 350(b)

states that “[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, of for other cause.”

WHEREFORE, the undersigned, respectfully requests that this Honorable Court reopen the present bankruptcy and grant the Claimant’s Motion for Order Directing Payment of Funds to Claimant.

Respectfully submitted,

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Dated: May 2, 2014